

REMARKS

Receipt of the office action mailed September 14, 2007 is acknowledged. Claims 1-10 are pending in the application. Claims 1-2, 7 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by Grote (U.S. Patent No. 4,484,658). Claims 3-6 and 8-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Grote in view of Cohen (U.S. Patent No. 3,872,296). Claims 4 and 8-10 are hereby canceled, and new claims 11-15 are submitted herewith for consideration. In keeping with the foregoing amendments and the following arguments, reconsideration and allowance is respectfully requested.

Claim 1 has been amended to positively recite, in part, an intermediate element mounted to the elongate element such that the intermediate element is capable of being in a horizontally slidable state and in a horizontally fixed state, and the vertical portion is mounted to the intermediate element such that the vertical portion is capable of being in a vertically slidable state and in a vertically fixed state. The vertical portion is vertically slidable relative to the intermediate element and the elongate element when in the vertically slidable state, and is vertically fixed relative to the intermediate element and the elongate element when in the vertically fixed state. Further, the intermediate element is horizontally slidable relative to the elongate element when in the horizontally slidable state and is horizontally fixed relative to the elongate element when in the horizontally fixed state. Consequently, the vertical portion may be in the vertically slidable state when the intermediate element is in the horizontally fixed state, and the vertical portion may be in the vertically fixed state when the intermediate element is in the horizontally slidable state.

By comparison, the Grote reference is adjusted by loosening the bolt 31, which enables the bracket 21 (and hence the speaker) to be vertically adjustable relative to the support rod 27, and which also allows the bracket 21 to be adjusted along the length of the support rod 27. However, because Grote uses the same bolt 31 to fix both the horizontal and vertical position, the construction of the Grote reference cannot achieve vertical adjustment while horizontally fixed, and cannot achieve horizontal adjustment while vertically fixed, as is presently claimed by amended claim 1. Accordingly, claim 1 defines over Grote for at least this reason.

Moreover, there can be no suggestion to modify Grote to reach the claimed invention without discarding the expressly-taught arrangement of the reference. In order to reach the invention of claim 1, one would have to discard or extensively modify the bracket 21, the vertical slots 26, and the single securing bolt 31 on both sides of the device. There can be no proper suggestion to make such extensive changes without destroying the principle of operation of the reference, and without using the present application as a template. Accordingly, there can be no proper *prima facie* case of obviousness based even in part on Grote.

The Cohen reference adds nothing of relevance, as that reference cannot slide horizontally when the vertical position is fixed. In fact, both references lack this limitation entirely, again precluding a proper *prima facie* case of obviousness. Therefore, claim 1 is in allowable form. Claims 2-3 and 5-7 are also in allowable form.

New claim 11 recites an elongate element, an intermediate element mountable to the elongate element and horizontally adjustable in a direction parallel to the elongate element and arranged to be fixed relative to the elongate element in a plurality of horizontal positions. A ceiling reinforcing element includes a central opening, a flat portion surrounding the central opening, and a vertical portion extending vertically relative to the flat portion, with the vertical portion mountable to the intermediate element and vertically adjustable in a direction perpendicular to the elongate element and arranged to be fixed relative to the elongate element in a plurality of vertical positions. Accordingly, the vertical portion may be horizontally adjusted to one of the plurality of horizontal positions while fixed in one of the plurality of vertical positions, and the vertical portion may be vertically adjusted to one of the plurality of vertical positions while fixed in one of the plurality of horizontal positions.

By comparison, neither Grote nor Cohen teach or suggest a device in which the vertical portion may be horizontally adjusted to one of the plurality of horizontal positions while fixed in one of the plurality of vertical positions, and the vertical portion may be vertically adjusted to one of the plurality of vertical positions while fixed in one of the plurality of horizontal positions. Accordingly, new claim 11 is in allowable form for at least this reason.

Further, Grote plainly does not have an intermediate element oriented parallel to the elongate element. There would be no way to modify Grote to reach the claimed invention without interrupting the expressly-taught single bolt securement mechanism. Accordingly, claim 11 is in allowable form for this reason as well.

Claims 12-13 both depend from claim 11, either directly or through an intervening claim. Therefore, claims 12 and 13 also are in allowable form.

New claim 14 recites, in part, an elongate element, an intermediate element, the elongate element and the intermediate element mounted to one another by at least one horizontally oriented slit to permit sliding horizontal adjustment of the intermediate element relative to the elongate element between a plurality of horizontally fixed positions. A ceiling reinforcing element includes a central opening, a flat portion surrounding the central opening, and a vertical portion extending vertically relative to the flat portion. The vertical portion and the intermediate element mounted to one another by at least one vertically oriented slit to permit sliding vertical adjustment of the vertical portion relative to the intermediate element between a plurality of vertically fixed positions. The vertical portion may be horizontally adjusted relative to the elongate element while in one of the plurality of vertically fixed positions, and the vertical portion may be vertically adjusted relative to the elongate element and the intermediate element while in one of the plurality of horizontally fixed positions.

Again, neither Grote nor Cohen teach or suggest a device in which the vertical portion may be horizontally adjusted to one of the plurality of horizontal positions while fixed in one of the plurality of vertical positions, and the vertical portion may be vertically adjusted to one of the plurality of vertical positions while fixed in one of the plurality of horizontal positions. Accordingly, new claim 14 is in allowable form for at least this reason. Dependent claim 15 also is in allowable form.

In view of the foregoing the above-identified application is in condition for allowance. In the event there is any remaining issue that the Examiner believes can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned attorney at (312) 474-6612.

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Respectfully submitted,

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